REMARKS

Overview

The Examiner has allowed claims 134-151. The Examiner also responded in the prior Office Action as follows: rejected claims 152-208 under 35 U.S.C. § 102(e) as being anticipated by Burkey et al. (U.S. Patent No. 6,446,076).

Applicants hereby amend claims 152, 192 and 199 in order to clarify the subject matter of their invention, and thus claims 134-208 continue to be pending.

Analysis

Applicants thank the Examiner for the indication of allowable subject matter with respect to claims 134-151.

The Examiner has rejected each of the other previously pending claims 152-208 under 35 U.S.C. § 102(e) as being unpatentable over Burkey. However, each of the pending claims as rejected includes features and provides functionality not disclosed by Burkey, and thus is allowable over Burkey.

In particular, each of the previously pending rejected claims 152-208 generally recites defining a theme that represents a contextual situation by specifying values for multiple context attributes, so that the theme may automatically be selected when its represented contextual situation occurs so that appropriate information or other response may be provided. Various of these previously pending claims further recite additional claim elements, such as claims 199-208 that further recite that the defining of the theme is after a previous type of response was provided for the represented contextual situation and is in response to an indication from a user of a more appropriate type of response for the contextual situation. Moreover, claims 192-194 as amended generally further recite the use of the theme to present appropriate information when it is automatically determined that the theme matches a current contextual situation, as do other previously pending rejected claims such as claim 153.

The Examiner has asserted that the "user personas" described by Burkey correspond to Applicants' themes, and that Burkey describes all of the recited claim elements with respect to such user personas – such user personas are generally described by Burkey from column 30 line

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51 to column 31 line 48, which indicates that a user may manually create multiple user personas for their own use (*e.g.*, a "Work" user persona with a work address, and a "Home" user persona with a home address), and may then manually select an appropriate user persona based on the location from which the user is accessing a centralized system. However, such user personas fail to correspond to Applicants' themes in various ways, and Burkey lacks any teaching, suggestion or motivation for various of the recited claim elements.

For example, each of the previously pending claims 152-198 as rejected recites "receiving one or more indications of multiple context attributes that are related to the represented contextual situation" and "receiving one or more indications of criteria for determining values of the indicated context attributes that match the represented contextual situation," with the defined theme being automatically determined to be appropriate for use when the contextual situation represented by the defined theme matches a contextual situation, and previously pending claims 199-208 contain similar language. However, Burkey does not appear to automatically select an appropriate user persona based on a context of the user in any manner, and in particular does not appear to have any motivation or suggestion related to Applicants' claimed use of multiple context attributes and associated criteria. The Examiner has asserted that lines 1-48 of column 31 and lines 33-53 of column 33 disclose such use of multiple context attributes and associated criteria (Examiner's Action dated October 21, 2004, page 3), with those passages included below for reference purposes. Nonetheless, even if it is assumed that the mention of location information in Burkey (such as to reflect when a user's location is at home or at work) is in some manner similar to a single one of Applicants' context attributes, Applicants can find no reference to any other information in Burkey that would be analogous to any other context attributes or associated criteria. For example, while Burkey mentions that various different types of information may be stored for a user (*e.g.*, different sets of travel preference information), there appears to be no motivation or suggestion in Burkey that any such information be used in the claimed manner to identify a represented contextual situation (*e.g.*, there appears to be no motivation or suggestion in Burkey to automatically determine that a user is in his/her Work user persona based on the purchase of Business Class tickets). Thus, since Burkey fails to suggest or motivate the use of Applicants' multiple context attributes and associated criteria as claimed, previously pending rejected claims 152-208 are patentable over Burkey for at least that reason.

FIG. 12 describes the relationship between a user, his multiple personas and his multiple profiles. At the User Level is the User Profile 1200. This profile describes the user and his account information. There is one unique record in the database for each user who has an account. Attached to each user are multiple Personas 1220, 1230 & 1240. These Personas are used to group multiple Profiles into useful contexts. For instance, consider a user who lives in San Francisco and works in Palo Alto, but has a mountain cabin in Lake Tahoe. He has three different contexts in which he might be accessing his site. One context is work-related. The other two are home-life related, but in different locations. The user can create a Persona for Work 1220, a Persona for Home 1230, and a Persona for his cabin home 1240. Each Persona references a different General Profile 1250, 1260 and 1270 which contains the address for that location. Hence, there are three General Profiles. Each Persona also references one of two Travel Profiles. The user maintains a Work Travel Profile 1280 that contains all of the business rules related to booking tickets and making reservations. This Profile may specify, for instance, that this person only travels in Business or First Class and his preferred airline is United Airlines. The Work Persona references this Work Travel Profile. The user may also maintain a Home Travel Profile 1290 that specifies that he prefers to travel in coach and wants to find non-refundable fairs, since they are generally cheaper. Both the Persona for Home and the Persona for the cabin home point to the Home Travel Profile.

FIG. 13 describes the data model that supports the Persona concept. The user table 1310 contains a record for each user who has an account in the system. This table contains a username and a password 1320 as well as a unique identifier. Each user can have multiple Personas 1330, which act as containers for more specialized structures called Profiles 1340. Profiles contain the detailed personal information in Profile Field 1350 records. Attached to each Profile are sets of Profile Restriction 1360 records. These each contain a Name 1370 and a Rule 1380, which define the restriction. The Rule is in the form of a pattern like (if x then y), which allows the Rule to be restricted to certain uses. An example Profile Restriction would be the rule that dictates that the user cannot book a flight on a certain airline contained in the list. This Profile Restriction could be contained in the "Travel" Profile of the "Work" Persona set up by the user's employer, for instance. Each Profile Field also contains a set of Permissions 1390 that are contained in that record. These permissions dictate who has what access rights to that particular Profile Field's information. (Burkey, 31:1-48.)

FIG. 17 presents the detailed logic associated with the many different methods for accessing this centrally stored profile. The profile database 1710 is the central storage place for the users' profile information. The profile gateway server 1720 receives all requests for profile information, whether from the user himself or merchants trying to provide a service to the user. The profile gateway server is responsible for ensuring that information is only given out when the profile owner specifically grants permission. Any device that can access the public Internet 1730 over TCP/IP (a standard network communications protocol) is able to request information from the profile database via intelligent HTTP requests. Consumers will be able to gain access to services from devices such as their televisions 1740, mobile phones, Smart Cards, gas meters, water meters, kitchen appliances, security systems, desktop computers, laptops, pocket organizers, PDAs, and their vehicles, among others. Likewise, merchants 1750 will be able to access those profiles (given permission from the consumer who owns each profile), and will be able to offer customized, personalized services to consumers because of this. (Burkey, 33:33-53.)

In addition to the fundamental lack in Burkey of any suggestion or motivation of the use of multiple context attributes and associated criteria as claimed by Applicants, various other previously pending claims recite a variety of information that is stored with or otherwise associated with the defined theme, and Burkey similarly appears to lack any corresponding suggestion or motivation. For example, previously pending dependent claims 156-159 recited "associating a priority with the defined theme for use when selecting one of multiple defined themes," but the only corresponding aspect of Burkey that the Examiner has cited is that

information to be displayed to the user may be prioritized – such information to be displayed appears to be unrelated to Burkey's user personas, however, and is clearly not itself a prioritization of one of the user personas. Similarly, previously pending dependent claim 160 recited "associating logic with the defined theme that can perform appropriate functionality when the defined theme matches a contextual situation," previously pending dependent claim 164 recited "associating a theme-sharing setting with the defined theme that specifies whether information about the defined theme is to be made available to other themes," previously pending dependent claims 168-170 recited "associating a theme layout with the defined theme that includes one or more indications of the indicated appropriate information for the defined theme," and previously pending dependent claim 171 recited "associating multiple distinct theme layouts with the defined theme that each include indications of distinct information to be presented when that theme layout is selected," but Burkey similarly appears to lack any suggestion or motivation to incorporate even remotely related types of information in the described user personas. Moreover, independent claim 152 as amended recites that the defined theme includes "the one or more indications of the appropriate information [to be presented]" and includes "the indicated criteria and/or values determined from the indicated criteria," and Burkey similarly appears to fail to suggest or motivate that such types of information be stored as part of the user personas.

In addition, previously pending claims 199-208 each recited that the defining of the theme is after a previous type of response was provided for the represented contextual situation and is in response to an indication from a user of a more appropriate type of response for the contextual situation, with dependent claims 189-191 including a similar recitation, and claim 199 as amended further clarifies that the previously provided response was automatically determined. While the Examiner has indicated portions of Burkey that appear to correspond to a user manually creating a user persona, Applicants can find no suggestion or motivation in Burkey that a user persona is automatically defined after the user indicates that a previously provided automatically determined response was not sufficiently appropriate. Thus, for at least that reason as well, claims 189-191 and 199-208 are patentable over Burkey.

Moreover, as previously noted, Burkey does not appear to automatically select an appropriate user persona based on a context of the user – instead, a user appears to manually select a persona for use based on the current situation (*e.g.*, when at home, the user selects a

Home user persona). However, independent claim 192 as amended recites that a computing device uses the created theme to present the appropriate information "when context information for a current contextual situation includes values for the indicated context attributes that are <u>automatically determined</u> by the indicated criteria to match the represented contextual situation," independent method claim 152 as amended similarly recites that use of the defined theme occurs "when context information for a contextual situation includes values for the indicated context attributes that are <u>automatically determined</u> by the indicated criteria to match the represented contextual situation," and independent system claims 195 and 198 recite that a similar determination is made automatically by a computing device or computer. Thus, for at least that reason as well, claims 152-198 are patentable over Burkey.

The pending dependent claims include the features of those claims from which they depend, and are thus allowable for the same reasons as those claims. Moreover, the pending dependent claims also recite various additional features lacking in the cited references, and are thus allowable on the basis of those features as well, although at least some such features are not discussed here for the sake of brevity.
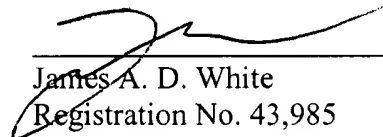
Conclusion

In light of the above remarks, Applicants respectfully submit that all of the pending claims are allowable. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned at (206) 694-4815.

The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

Respectfully submitted,
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